UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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HOWARD GALE.

               Plaintiff,

        -against-

SMITH & NEPHEW, PLC,
SMITH & NEPHEW, INC.,
SMITH & NEPHEW, GmbH,
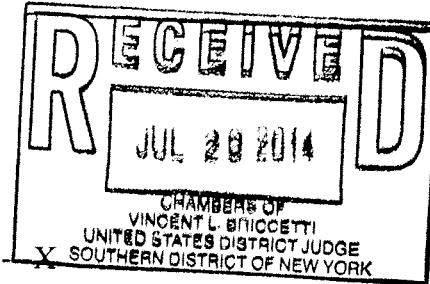SPECIALTY ORTHOPAEDICS, PLLC and
STEVEN B. ZELICOF, M.D.,

               Defendants.

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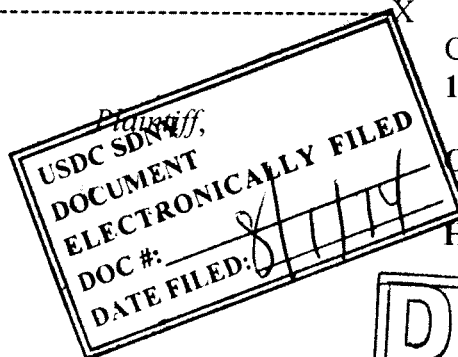
Civil Action No.:
12-CV-3614 (VLB)(LMS)

ORDER TO SHOW CAUSE

Hon. Vincent L. Briccetti

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:_____
DATE FILED: _____

RECEIVED
JUL 28 2014
CHAMBERS OF
VINCENT L. BRICCETTI
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

NOTICE: THE PURPOSE OF THIS HEARING IS TO PUNISH NON-PARTY MT. SINAI MEDICAL CENTER FOR CONTEMPT OF COURT. SUCH PUNISHMENT MAY CONSIST OF A FINE OR IMPRISONMENT OR BOTH ACCORDING TO LAW.

WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE IMPRISONMENT FOR CONTEMPT OF COURT.

~~**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO FOUR YEARS FOR CONTEMPT, AND/OR MAY SUBJECT YOU TO SUPREME COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT.**~~

Upon the annexed declaration of Victor Serby, Esq., sworn to on the 21st day of July, 2014, along with exhibits, the annexed copy of the Memorandum of Law in Support of Order to Show Cause, filed in connection therewith, it is hereby:

ORDERED, that Mt. Sinai Medical Center show cause before ~~a motion term of~~ this Court, in Courtroom 620, District Court of the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601, on 2nd day of September, 2014, at 4:00 o'clock in the afternoon thereof, or as soon thereafter as counsel can be heard why an order should not be made and entered as follows:

1. Holding non-party Mt. Sinai Medical Center in contempt for violating a court-ordered subpoena of the Hon. Vincent L. Briccetti, dated October 10, 2013;

2. Directing Mt. Sinai Medical Center to produce the subpoenaed device(s)/component(s);

3. Granting the plaintiff's attorneys fees for bringing the instant action;

4. And for such other and further relief as this Court may deem just and proper.

Let service of a copy of this Order upon Mt. Sinai Medical Center, by facsimile and certified mail return receipt requested, on or before the _8th_ day of _August_, 2014, be deemed good, timely and sufficient service and notice hereof.

Dated: White Plains, New York

Issued: _8/1/14_

ENTER: So ORDERED:

Vincent Briccetti

Hon. Vincent L. Briccetti
U.S. District Judge

Any papers in opposition must be served and filed by 8/26/14.

VB